

NO. D-1-GN-18-001605

MARCEL FONTAINE,
Plaintiff,

V.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC and
KIT DANIELS,
Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, T E X A S

459th JUDICIAL DISTRICT

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL AND MOTION FOR SANCTIONS**

Defendants Infowars, LLC, Free Speech Systems, LLC ("Free Speech Systems") and Kit Daniels (collectively, the "Defendants"), hereby file this Response to Plaintiff's Motion to Compel and Motion for Sanctions and would respectfully show the Court the following:

OVERVIEW

1. This lawsuit involves allegations of defamation against a reporter, a media company, and a media affiliate ("Defendants") for information reported about an ongoing emergent situation - the Parkland, Florida Douglas High School shooting of 2018. In particular, Defendants are being sued for posting a picture to the Infowars.com website that was believed to be the Florida school shooter.¹ The initiation of this lawsuit began nearly three years ago. Throughout the pendency of this action, discovery has been stayed due to the Defendants' filing and appeals of a Motion to Dismiss under the Texas Anti-SLAPP statute. The termination of those stays took effect on April 22, 2021. On June 2, 2021, Defendants provided responses to Plaintiff's

¹ Although the same Defendants are named in defamation actions related to the Sandy Hook school shooting, those cases are readily distinguishable from the Fontaine matter: different plaintiffs, different defense counsel, different facts, different circumstances, and different defendants.

requests for written discovery. Defendants concede that their responses to written discovery requests were untimely, but that the late responses were not made in bad faith.

2. On June 7, 2021, Defendants filed a motion for withdrawal of deemed admissions, based on an untimely response to requests for admissions. In that motion, Defendants explain, at length, how the failure to respond on time was due to an honest oversight of counsel and a miscalculation of the timeline for when the discovery proceedings were to be stayed. That motion remains pending before the Court.

3. On July 1, 2021, Plaintiffs filed a motion to compel responses from Infowars, LLC and a motion for sanctions to which the Defendants now respond. As an initial matter, Plaintiff attaches as alleged exhibits to his motion to compel and for sanctions, copies of entire deposition transcripts taken in other cases that are not before this Court. Such testimony is inadmissible and should not be considered by the Court without the proper predicate, which has not even come close to being established. *See* Tex. R. Evid. 804(a) and (b). The attachment of depositions from other cases is a theatrical attempt to bring Alex Jones, who has been dismissed from this case, back in to the case, but it has zero evidentiary value and should not be considered by this Court.

ARGUMENT AND AUTHORITIES

I. LEGAL STANDARDS

4. A responding party must produce documents within the person's possession, custody or control. Tex. R. Civ. P. 196.3 (Westlaw, effective Jan. 1, 1999). The phrase “possession, custody, or control” of an item means that the person either has physical possession of the item or has a right to possession that is equal or superior to that of the person who has physical possession. Tex. R. Civ. P. 192.7(b) (Westlaw, effective Jan. 1, 2021). A party is not required to produce information that is not reasonably available to the party or its attorney when the response is made.

Tex. R. Civ. P. 193.1 (Westlaw, effective Jan. 1, 2021). Mere speculation that one company has control over another company's documents is insufficient to compel production. *GTE Communications Sys. Corp. v. Tanner*, 856 S.W.2d 725, 729 (Tex. 1993).

5. For Infowars, LLC to be required to produce documents held by Free Speech Systems, LLC (a separate juridical entity), Plaintiff must allege and show that Infowars, LLC has constructive or actual possession of the documents held by Free Speech Systems. *In re U-Haul Int'l*, 87 S.W.3d 653, 656 (Tex. App.—San Antonio 2002, no pet.). The separate existence of corporations will be observed by the courts even where one company may dominate or control, or even treat another company as a mere department, instrumentality or agency. *See Id.* at 657 (trial court abused its discretion in requiring production of documents from sister company despite common ownership by parent company). To require one corporation (even one that is closely related) to produce documents in the constructive possession of another, there must be pleadings and evidence of a “single business enterprise;” namely, that two companies “integrate their resources to achieve a common business purpose.” *Id.*; *In re: Methodist Primary Care Grp.*, 553 S.W.3d 709, 722 (Tex. App.-Houston 2018) (“[t]hat entities are related is not sufficient by itself to establish that an entity has possession of the related entities documents”).

6. The burden is on Plaintiff to show the parent company controls the internal business operations and affairs of the subsidiary to show companies operate as a “single business enterprise.” *BMC Software Belgium, N.V. v. Marchand*, 83 S.W.3d 789, 799 (Tex. 2002); *accord GTE Communications Sys. Corp. v. Tanner*, 856 S.W.2d 725, 729 (Tex. 1993) (because no evidence existed showing GCSC had possession of documents controlled by GTFL, a separate corporate entity, Plaintiff's speculation of a single business enterprise was insufficient to compel production); *In re U-Haul Intern., Inc.*, 87 S.W.3d 653, 656–57 (Tex. App.—San Antonio 2002,

no pet.)(finding plaintiffs had not met their burden of proving two companies acted as a single business enterprise). The degree of control the parent company exercises must be greater than that normally associated with common ownership and directorship; the evidence must show that the two entities cease to be separate so that the corporate fiction should be disregarded to prevent fraud or injustice. *U-Haul*, 87 S.W.3d at 656-57.

7. Factors commonly considered in determining whether corporations operate as a single business enterprise include, but are not limited to, the following: (1) common employees, (2) common offices, (3) centralized accounting, (4) payment of wages by one corporation to another corporation's employees, (5) common business name, (6) services rendered by the employees of one corporation on behalf of another corporation, (7) undocumented transfers of funds between corporations, and (8) unclear allocation of profits and losses between corporations. *Country Vill. Homes, Inc. v. Patterson*, 236 S.W.3d 413, 427 (Tex. App.—Houston [1st Dist.] 2007, review granted, judgment vacated and remanded by agreement); *But compare S. Union Co. v. City of Edinburg*, 129 S.W.3d 74, 89 (Tex. 2003) (fact that two corporations had common directors, shared employees, and central accounting and payroll systems did not justify disregarding distinct corporate entities).

II. INFOWARS, LLC IS A COMPANY ENTIRELY SEPARATE FROM FREE SPEECH SYSTEMS

8. Infowars, LLC and Free Speech Systems are separate business entities, and they are not part of a single business enterprise (such that Infowars, LLC has constructive possession of Free Speech Systems' responsive documents). In fact, there will be no evidence that Infowars, LLC does anything. Infowars, LLC has no operations, no employees, and no assets, and Infowars, LLC and Free Speech Systems have not integrated their resources to "achieve a common business purpose." Without as much as a pleading or a viable theory to go on, Plaintiff's Motion to Compel

Production by Infowars, LLC is not only pointless, but also a “fishing expedition” that violates discovery. *See In re Am. Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (Discovery requests must be “reasonably tailored to include only matters relevant to the case” and may not be used as a “fishing expedition.”)

III. COMMON OWNERSHIP DOES NOT SHOW A “SINGLE BUSINESS ENTERPRISE”

9. The fact that Alex Jones allegedly owns both companies is insufficient to show that the companies operate as a single business enterprise. Contrary to Plaintiff’s assertions, the governing case law demonstrates that common ownership or common officers, without anything else, does not show a “single business enterprise.” *Country Vill. Homes*, 236 S.W.3d at 427. On page 14 of Plaintiff’s Motion, Plaintiff cites to *Costa v. Kerzner* and a string of cases² to aver that a corporation owned by a single individual is enough to show joint control, and thereby a single business enterprise. Plaintiff’s reliance on these cases is misplaced however, because those cases dealt with situations of a corporate “alter ego” of an individual, and involved lawsuits against owners who have multiple companies, at least one of which is a non-party to the lawsuit. Those cases examined primarily how under the Federal Rules of Civil Procedure, a party can be compelled to produce documents held by a non-party to the lawsuit if the party has control over documents held by a non-party affiliate. These cases did not examine or deal with two or more companies acting as a “single business enterprise.” Unlike in the cases cited by Plaintiff: Alex Jones, the alleged owner of both companies, is not a party to this lawsuit; and neither company is an “alter ego” of Alex Jones. Hence, these cases have no application to this case and should be

² *Costa v. Kerzner Intern. Resorts, Inc.*, 277 F.R.D. 468, 472 (S.D. Fla 2011); *Steele Software Sys., Corp. v. DataQuick Info. Sys., Inc.*, 237 F.R.D. 561, 564 (D. Md. 2006); *Perini Am., Inc. v. Paper Converting Mach. Co.*, 559 F. Supp. 552 (E.D. Wisc. 1983); *Duracore Pty Ltd. v. Applied Concrete Tech., Inc.*, 2015 WL 4750936 (W.D. Ky. Aug. 11, 2015).

disregarded by the Court.

IV. INFOWARS, LLC AND FREE SPEECH SYSTEMS HAVE DIFFERENT PURPOSES

10. In its motion, Plaintiff uses imprecise and confusing language to boldly mischaracterize Alex Jones' inadmissible and objected-to-testimony from other unrelated proceedings on multiple occasions. This confusion arises from Plaintiff's insistence on referring generally to "InfoWars" to mean Alex Jones, Free Speech Systems, and Infowars LLC collectively. *See Exhibit "A"*, page 25, para. 5. This imprecise language has made it challenging and confusing for Defendants and Defense counsels to respond to Plaintiff's requests and questions because these three entities are entirely separate (and one of them, Alex Jones, has already been dismissed by this Court from the lawsuit). Now, Plaintiff's continued, and inaccurate, use of the generic term "InfoWars" is painting a misrepresentation of the facts for the Court. So as to not leave a false impression with the Court as to the true nature of these companies, Defense counsel is compelled to clarify these mischaracterizations below.

Mr. Jones testified Infowars LLC handles intellectual properties.

11. In its motion Plaintiff avers that "Mr. Jones testified that Infowars, LLC was set up to handle InfoWars' 'intellectual properties'." *Plaintiff's Motion*, p. 6. In addition to the reference to inadmissible testimony not before the Court, the lack of precision in Plaintiff's language makes it difficult to ascertain what Plaintiff is getting at. But, taken in the context of Plaintiff's entire motion, it seems Plaintiff is trying to paint a picture that Infowars LLC handles intellectual properties on the Infowars.com website. This allegation is inaccurate and misleading.

The mistake in the Terms of Use does not show “single business enterprise.”

12. Infowars LLC was mistakenly named on the Infowars.com webpage’s Terms of Use as being the operator of the website. The website has since updated its Terms of Use to reflect Free Speech Systems LLC. A mistake, at best, creates a disputed fact that does not rise to the level of a dispositive showing of a “single business enterprise.”

13. The reference to the California copyright suit against Infowars, LLC is yet another overstatement of Plaintiff’s position. *Plaintiff’s Motion*, Page 6. If one continues to read the opinion past the sentence quoted by Plaintiff, it is clear that the Court has doubts as to whether Infowars, LLC was indeed the operator of the website and if it was actually a mistake that Infowars, LLC was listed on the website.

The websites on which the MAGA posters were advertised—www.infowars.com and www.prisonplanet.com—listed Infowars as the owner and operator. (*Id.*). Defendants point out that “these are mistakes, as the sites are operated by FSS and Infowars has no involvement in the operation of the sites.” (Infowars Mot. at 9). At best, this assertion creates a dispute of fact. *See Larin Corp. v. Alltrade, Inc.*, No. 06-EDCV-1394-ODW (OPx), 2008 WL 11338579, at *3 (C.D. Cal. Feb. 13, 2008) (denying summary judgment where the plaintiff “has named both Alltrade, Inc. and Alltrade Tools LLC as defendants because it is difficult to discern which party is in fact the proper defendant responsible for the alleged wrongdoing” and finding that Alltrade, Inc. has not “present[ed] definitive evidence to show that it is not so intertwined with Alltrade Tools LLC”).

Furie v. Infowars, LLC, 401 F. Supp. 3d 952, 970 (C.D. Cal. 2019). This type of dispute is not enough, in and of itself, to show that companies are operating as a single business enterprise. And unlike the *All Trade* case referenced in the *Furie* opinion, Infowars, LLC can present evidence that it is not intertwined with Free Speech Systems.

14. Although the mistake in the Infowars.com’s Terms of Use did not preclude Infowars, LLC from remaining in this lawsuit, to be clear, the Court of Appeals in this case did not declare Infowars, LLC and Free Speech Systems LLC to be a “single business enterprise.”

Infowars, LLC v. Fontaine, 03-18-00614-CV, 2019 WL 5444400, at *3 (Tex. App.—Austin Oct. 24, 2019, pet. denied)(emphasis added)(“[Fontaine] established the **minimum** quantum of evidence necessary to support a rational inference that Infowars, LLC is a **proper defendant** [based on the Terms of Service].”) Nothing more can be inferred from the opinion.

Counsel was simply trying to cooperate in its responses to discovery.

15. Defense counsel included responses to Plaintiff’s Interrogatories that related to Free Speech Systems because Plaintiff’s questions were poorly worded and Defense counsel was trying to be cooperative. In his Interrogatories (like in his original petition), Plaintiff referred generally to “InfoWars” throughout. “InfoWars” was defined by Plaintiff as follows:

‘Info Wars’ generically, means the brand name of the media organization founded by Alex Jones, whether operating as Info Wars, LLC, Free Speech Systems, or any other corporate name.

See **Exhibit “A”**, page 25, para. 5. This definition by Plaintiff is illustrative of Plaintiff’s presumption that the three entities are a “single business enterprise.” But as explained above, a single business enterprise is not something that can be presumed, it must be proven. Moreover, this conflating of terms made it very difficult for Defense counsel to respond for each individual Defendant because in effect Plaintiff’s chosen language did not address the interrogatories uniquely to Infowars LLC, it addressed the interrogatories to all three defendants.

16. In an attempt to be cooperative, Defendants responded to Plaintiff’s interrogatories. But, Defendants qualified their responses as follows:

GENERAL RESPONSE

The “Definitions” for the Interrogatories define “InfoWars” generally to mean “the brand name of the media organization founded by Alex Jones, whether operating as InfoWars, LLC, Free Speech Systems, or any other corporate name.” Free Speech Systems, LLC (Kit Daniels’ employer) is the owner and operator of the www.infowars.com website (which published the challenged photo of Mr. Fontaine). InfoWars, LLC does not engage in any business, has no employees and did not publish the challenge photo. With this context in mind, where Plaintiff utilizes its generic definition of “InfoWars” for the interrogatories below (and does not distinguish between Free Speech Systems LLC and InfoWars, LLC), the Respondent shall respond as if “InfoWars” means only Free Speech Systems, LLC.

Plaintiff’s characterization of Infowars LLC’s responses to the interrogatories in its motion fails to point out the confusing and non-specific language in Plaintiff’s own generic definition of “Infowars,” and again makes logical leaps and omits language to assert falsely that Infowars LLC has possession of documents held by Free Speech Systems LLC and vice versa. *Plaintiff’s Motion*, pages 15-16. Per the explicit text of Defendants’ responses to these poorly worded requests, in no way is there a response that shows that Free Speech Systems LLC and Infowars LLC are a “single business enterprise.” Quite the opposite, Defendants made every possible attempt to separate the entities in their responses, despite Plaintiff’s joint request to all the Defendants collectively.

CONCLUSION

17. Infowars, LLC and Free Speech Systems LLC are separate companies. Plaintiff has neither pled nor presented actual evidence that these companies act as a “single business enterprise” or that Infowars LLC has possession of documents held by Free Speech Systems LLC. As such, Infowars LLC has not disobeyed its discovery obligations or failed to comply with the rules of Texas Civil Procedure. *In re U-Haul Intern., Inc.*, 87 S.W.3d 653, 657 (Tex. App.—San Antonio 2002, no pet.) (Plaintiff failed to show that UHaul and Republic were single business enterprise and that UHaul had possession of documents held by Republic, thus U-Haul did not violate discovery order when it failed to produce responsive documents held by Republic).

Without any failure to comply with discovery obligations or the Texas Rules of Civil Procedure, the Court should deny Plaintiff's Motion to Compel further responses from Infowars LLC and deny Plaintiff's request for sanctions. Lastly, as a practical matter, if Plaintiff wants or needs additional document discovery from Free Speech Systems, Plaintiff can simply propound additional requests on that entity.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties listed below via email on July 9, 2021:

Mark Bankston
Bill Ogden
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1117 Herkimer
Houston, Texas 77008

/s/ Eric J. Taube
Eric J. Taube

EXHIBIT “A”

4/2/2018 11:57 AM

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001605
Selina Hamilton

CAUSE NO. D-1-GN-18-001605

MARCEL FONTAINE,	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	459TH DISTRICT COURT
KIT DANIELS,	§	
<i>Defendants</i>	§	

PLAINTIFF'S ORIGINAL PETITION, INTERROGATORIES, REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS, AND REQUEST FOR DISCLOSURE

Plaintiff MARCEL FONTAINE files this original petition against Defendants, ALEX JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and KIT DANIELS, and alleges as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to seek a customized discovery control plan under Level 3 of Texas Rule of Civil Procedure 190.4.

PARTIES

2. Plaintiff Marcel Fontaine in an individual residing in the Commonwealth of Massachusetts.

3. Defendant Alex E. Jones is a resident of Austin, Texas. He is the host of radio and web-based news programming, including "The Alex Jones Show," and he

owns and operates the website InfoWars.com. Mr. Jones can be served at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

4. Defendant InfoWars, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its registered agent, Elizabeth M. Schurig, at 100 Congress Avenue, 22nd Floor, Austin, TX 78701.

5. Defendant Free Speech Systems, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its registered agent, Eric Taube, at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

6. Defendant Kit Daniels is an individual residing in Travis County. At all times relevant to this suit, Mr. Daniels has been a reporter and writer for InfoWars. Mr. Daniels can be served at his last known address, 3501 South First Street, Apt. 261, Austin, TX 78704.

JURISDICTION & VENUE

7. The damages sought in this case exceed the minimum jurisdictional limits of Travis County District Courts.

8. Venue is proper in Travis County, Texas, because a suit for damages for defamation may be brought in the county in which a defendant resided at the time of filing, or the domicile of any corporate defendant, at the election of the plaintiff. *See Tex. Civ. Prac. & Rem. Code §15.017.*

FACTUAL BACKGROUND

I. Defendants' Long History of Reckless Defamation Has Resulted in Harassment Against Innocent Parties.

9. InfoWars was created in 1999 by Alex Jones, who has controlled its operations since its inception and up to the present day. Wikipedia describes InfoWars as follows:

InfoWars is an American conspiracy theorist website and media platform owned by Alex Jones's Free Speech Systems LLC. The site has regularly published fake stories which have been linked to harassment of victims.¹

10. Mr. Jones' recklessly opportunistic career is littered with the fallout from his willful pattern of malicious defamation, most notably a series of high-profile incidents over the past few years. Mr. Jones garnered significant attention for his slander against the victims of the Sandy Hook massacre, claiming he has seen "evidence" that could lead people to believe "that nobody died there."² Jones has also claimed that the 9/11 attacks were "an inside job" involving the U.S. government.³

11. Mr. Jones was also one of the purveyors of the "Pizzagate" story, which is the allegation that elites in the Democratic Party oversaw a pedophile slave

¹ See <https://en.wikipedia.org/wiki/InfoWars>, citing numerous published reports.

² "Alex Jones Refuses to Apologize for Sandy Hook Conspiracy Theory," *Newsweek*, June 19, 2017. Last available at: <http://www.newsweek.com/alex-jones-megyn-kelly-sandy-hook-infowars-627129>

³ *Id.*

dungeon in the basement a Washington, D.C. pizzeria.⁴ Mr. Jones told his audience, "You have to go investigate it for yourself...Something's going on. Something's being covered up. It needs to be investigated."⁵ He also expressed a desire to investigate the pizzeria in person.⁶

12. The following week, on December 4, 2016, an armed man fired shots inside the pizzeria as part of a plan to uncover the conspiracy.⁷ Multiple media outlets confirmed that the perpetrator was a fan of InfoWars internet and radio programing.⁸ Under threat of suit from the owner of the establishment, Mr. Jones gave a statement on March 24, 2017 walking back his claims, stating: "To my knowledge today, neither Mr. Alefantis nor his restaurant Comet Ping Pong were involved in any human trafficking as was part of the theories about Pizzagate."⁹

13. On December 15, 2016, the InfoWars website featured stories making similar accusations against Austin restaurant chain East Side Pies, including ominous "undercover" videos speculating upon imaginary, hideous activities by staff or patrons.¹⁰ These stories generated harassment towards the restaurant and an act

⁴ "Conspiracy theorist Alex Jones backs off 'Pizzagate' claims." *The Washington Post*. March 24, 2017. Last available at: <https://www.washingtonpost.com/lifestyle/style/conspiracy-theorist-alex-jones-backs-off-pizzagate-claims/2017/03/24>

⁵ "Infowars Denies It Promoted 'Pizzagate' Conspiracy Theory After Deleting Content From Its Website." *Media Matters*. Last available at: <https://www.mediamatters.org/blog/2017/02/24/infowars-denies-it-promoted-pizzagate-conspiracy-theory-after-deleting-pizzagate-content-its-website/215465>

⁶ *Id.*

⁷ "Conspiracy Theorist Alex Jones Apologizes For Promoting 'Pizzagate'" *National Public Radio*. March 26, 2017. Last available at: <https://www.npr.org/sections/thetwo-way/2017/03/26/521545788/conspiracy-theorist-alex-jones-apologizes-for-promoting-pizzagate>

⁸ *Id.*

⁹ *Id.*

¹⁰ "Alex Jones Apologizes." *The Austin Chronicle*. March 31, 2017. Last available at: <https://www.austinchronicle.com/news/2017-03-31/alex-jones-apologizes/>

of vandalism on a delivery truck.¹¹ Mr. Jones acknowledged his role in promoting this conspiracy theory and apologized to the restaurant.¹²

14. On April 11, 2017, InfoWars published stories claiming that Chobani, an Idaho yogurt manufacturer, was “caught importing migrant rapists.”¹³ Chobani filed a lawsuit against Jones, which Jones settled in Chobani’s favor. Mr. Jones wrote: “On behalf of InfoWars, I regret that we mischaracterized Chobani, its employees and the people of Twin Falls, Idaho, the way we did.”¹⁴

15. On August 15, 2017, in the wake of the Charlottesville “Unite the Right” rally and the murder of counter-protester Heather Heyer, InfoWars published defamatory statements about Brennan Gilmore, the camera man who caught the fatal attack on film. InfoWars, through its website and video content, alleged that Mr. Gilmore was an agent of CIA and George Soros¹⁵ who assisted in conducting a staged murder. Those statements, which generated malicious harassment towards Mr. Gilmore, are the subject of a pending federal defamation lawsuit in Virginia.¹⁶

16. Mr. Jones also published reckless statements about the church shooting in Sutherland Springs, Texas. On November 5, 2017, Mr. Jones first shared his theory

¹¹ *Id.*

¹² *Id.*

¹³ “Alex Jones settles Chobani lawsuit and retracts comments about refugees in Twin Falls.” *The Los Angeles Times*. May 17, 2017. Last available at: <http://www.latimes.com/nation/la-na-chobani-alex-jones-20170517-story.html>

¹⁴ *Id.*

¹⁵ George Soros is a venture capitalist and notable donor to left-wing causes and candidates. Mr. Soros is frequently featured in conspiracy theories about “globalist” control of American politics. Though not even in the top 10 of donors in American politics, Mr. Soros is seen in the InfoWars mythology as an insidious puppet master behind all left-wing political action.

¹⁶ See *Brennan M. Gilmore v. Alexander E. Jones, et al.*, in the United States District Court for the Western District of Virginia, Charlottesville Division.

that the event was “part of the Antifa revolution against Christians and conservatives or a Isis op [sic].”¹⁷ On March 5, 2018, two conspiracy enthusiasts showed up at the church and yelled violent threats at the pastor.¹⁸

17. On November 27, 2017, InfoWars published false statements about the mass shooting in Las Vegas, claiming that “Vegas is as phony as a three-dollar bill or as Obama’s birth certificate.”¹⁹ Following InfoWars promoting his conspiracy theory, the survivors were likewise subject to malicious harassment.²⁰

II. Defendants’ Defamatory Statements -- Delivered to a Shockingly Massive Audience -- are Designed to Drive the Sale of 21st Century Snake-Oil.

18. There was a time when Mr. Jones was a fringe character, little more than a hyper-active carnival barker in the midway of early 2000s conspiracy theory culture. But over the past few years, InfoWars slowly adopted the mantle of “respectable” media outlet and somehow went mainstream. On May 22, 2017, InfoWars’ Washington Bureau Chief was given White House press credentials.²¹

19. Today, InfoWars describes itself as “the frontline of truth journalism” and “the tip of the spear in alternative media - circumventing the dying dinosaur

¹⁷ Alex Jones (@RealAlexJones). *Twitter*. (Nov. 5, 2017, 3:14 PM).

¹⁸ “Conspiracy Theorists Arrested Outside Site of 2017 Sutherland Springs Church Shooting.” *The Washington Times*. March 6, 2018. Last available at:

<https://www.washingtontimes.com/news/2018/mar/6/conspiracy-theorists-claimingsutherland-springs-s/>

¹⁹ “Alex Jones: The Las Vegas Shooting Was as Phony as Obama’s Birth Certificate.” *Media Matters*. November 27, 2017. Last available at: <https://www.mediamatters.org/video/2017/11/27/alex-jones-las-vegas-shooting-was-phony-obama-s-birthcertificate/>

²⁰ “I Hope Someone Truly Shoots You: Online Conspiracy Theorists Harass Vegas Victims.” *The Guardian*. October 27, 2017. Last available at: <https://www.theguardian.com/us-news/2017/oct/26/las-vegas-shooting-conspiracytheories-social-media>

²¹ “InfoWars granted temporary White House press credentials.” *Business Insider*. May 22, 2017. Last available at: <http://www.businessinsider.com/infowars-granted-white-house-press-credentials-2017-5>

media systems of information suppression.”²² The InfoWars brand now reaches an astounding audience. The InfoWars website alone receives more than 30 million page-views per month, to say nothing of its social media accounts and third-party video channels.²³ For comparison, MSNBC.com receives 40 million visitors per month.²⁴

20. Mr. Jones feeds his audience a steady diet of false information intended to convince them that a shadowy association of global elites are hatching countless insidious schemes to destroy their way of life or threaten their bodily fluids.²⁵ The combination of lies and paranoia are designed to drive sales to InfoWars’ lucrative online store, where Mr. Jones sells “Brain Force” pills, “Super Male” vitality formulas, “Liver Shield” supplement drops, fluoride-free toothpaste, post-apocalyptic preparedness accessories, and a host of other products tailored to address the imminent threats forecast by InfoWars’ defamatory new stories.²⁶

21. Mr. Jones’ media operation has also entered the firearms business, promising his audience that “Registration Free Firearms Are A Reality” by selling

²² See <https://twitter.com/infowars>.

²³ See <https://www.quantcast.com/infowars.com>.

²⁴ See <https://www.quantcast.com/msnbc.com>.

²⁵ Sadly, this is not an exaggeration. Mr. Jones rails against what he believes is an international communist conspiracy to sap and impurify our bodily fluids, ranting in 2015: “What do you think tap water is? It’s a gay bomb, baby. And I’m not saying people didn’t naturally have homosexual feelings. I’m not even getting into it, quite frankly. I mean, give me a break. Do you think I’m like, oh, shocked by it, so I’m up here bashing it because I don’t like gay people? I don’t like them putting chemicals in the water that turn the frigging frogs gay! Do you understand that? I’m sick of being social engineered, it’s not funny!”

Last available at: <https://www.youtube.com/watch?v=kpiUfb7adPE&feature=youtu.be&t=5m39s>

²⁶ See <https://www.infowarsstore.com>

pieces of weaponry to be assembled by the purchaser.²⁷ InfoWars states that the ATF determined each InfoWars product "IS NOT A FIREARM in its present form. This means we can ship it directly to you to be completed."²⁸ For example, pictured below is an InfoWars-branded receiver for the AR-15:



22. In sum, InfoWars is a business built on the idea of generating revenue from the paranoia stoked by its reckless defamation. Defendants' long history of dishonest and irresponsible reporting underscores the malicious nature of the defamatory conduct at issue in this lawsuit.

²⁷ See <https://www.infowarsstore.com/home-page-best-sellers/tennessee-arms-80-hybrid-receiver.html>

²⁸ *Id.*

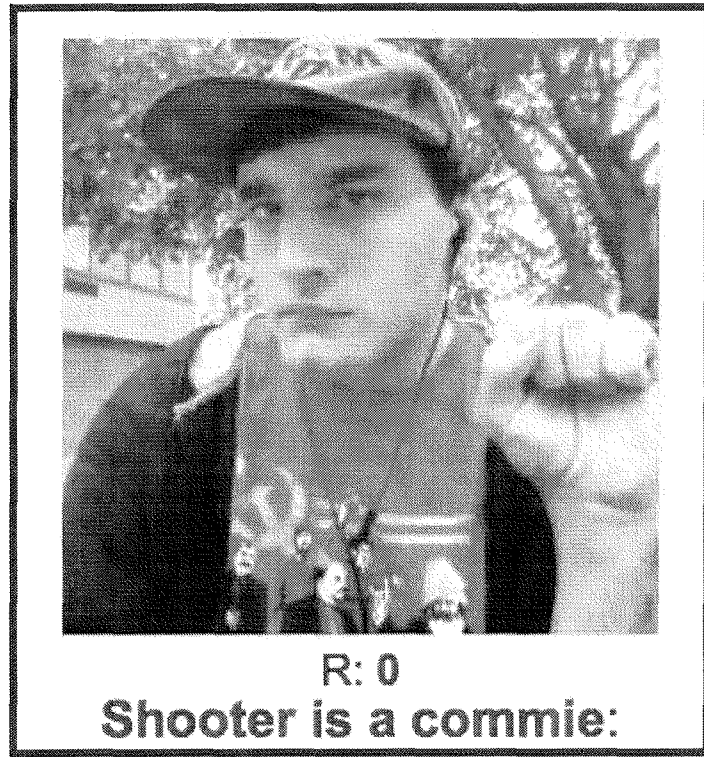
III. The February 14, 2018 Publication

23. On February 14, 2018, InfoWars published an article concerning the identity of the individual who attacked Marjory Stoneman Douglas High School in Parkland, Florida, an event which garnered massive public attention. An archived copy of the article in question is attached as “Exhibit 1.”

24. The InfoWars article was authored by reporter Kit Daniels, and it underwent several revisions. The article was alternatively titled “*Reported Florida Shooter Dressed as Communist, Supported ISIS,*” “*Florida Shooter Inspired by ISIS - ALLAHU AKBAR,*” and “*Reported Florida Shooter Discussed ‘Allahu Akbar’ on Instagram Profile.*”

25. The article was featured on the front page on the InfoWars website on February 14, 2018, the day of the Douglas High School shooting. The article, of which every element was factually incorrect, was also featured on social media accounts belonging to InfoWars and Kit Daniels.

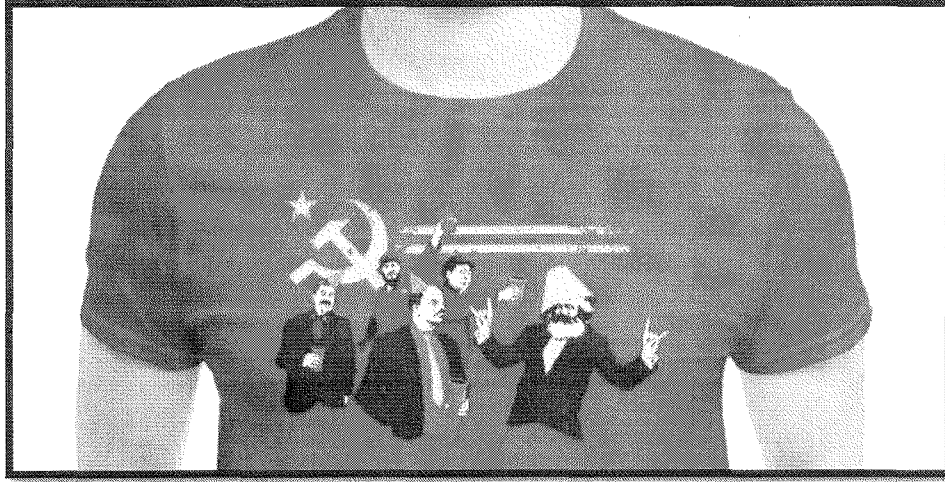
26. Multiple iterations of the article included a photograph of the Plaintiff, Marcel Fontaine, and the articles conveyed the impression that the photograph depicted the suspected Douglas High School shooter. The image as used in the article is shown below:



27. Mr. Fontaine was not involved with the Douglas High School tragedy. Mr. Fontaine resides in the Commonwealth of Massachusetts and has never traveled to Florida. He is an ordinary young man with no connection to these events. The articles were manifestly false and have caused him enormous injury and continuing personal harassment.

28. It appears that Mr. Fontaine was targeted by InfoWars due to the t-shirt he was wearing in his photograph. That novelty t-shirt, sold by online retailer Threadless.com, makes a visual pun on the phrase "communist party" by depicting

communist historical figures in a state of merriment and intoxication, complete with German economist Karl Marx wearing a lampshade on his head.²⁹



29. Mr. Jones and InfoWars have long been consumed with paranoia over the prospect of communist infiltration and indoctrination. Over the past year alone, InfoWars has featured hundreds of sensationalist articles and videos focusing on the of threat of communist agitation and conspiracies. When publishing the Plaintiff's photograph, InfoWars told its audience that it showed the Florida shooter dressed in "communist garb." (*See* Ex. 1).

30. Following the February 14, 2018 publication and endorsement by InfoWars, Plaintiff's photograph spread across social media platforms with astonishing speed, resulting in its distribution to millions of additional people, typically accompanied by ridicule or malicious threats.

²⁹ *See* https://www.threadless.com/product/383/the_communist_party

31. The content of the February 14, 2018 InfoWars article was re-published verbatim by numerous ring-wing news websites, further increasing the distribution of the defamatory accusation.³⁰

32. Representative Larry Pittman, a Republican legislator from North Carolina, shared comments about Plaintiff's photograph following its mass distribution by InfoWars. Representative Pittman stated that it was "not surprising" because "many of these shooters turn out to be communist democrats."³¹ Representative Pittman claimed, consistent with InfoWars mythology, that a conspiracy of communist democrats "are doing these things to push for gun control so they can more easily take over the country."³²

33. So wide was the proliferation of Plaintiff's photograph following InfoWars' publication that it was being discussed by users on Chinese social media. While it is difficult to estimate the total number of people who saw the false accusation as a result of InfoWars' mass dissemination and endorsement, the figure would be measured in the hundreds of millions. Due to Defendants' conduct, Plaintiff's image has been irreparably tainted. InfoWars' story became a lie told round the world.

³⁰ See, e.g., <https://michaelsavage.com/?p=1206> ; <http://www.libertyonenews.com/florida-hs-shooter-allegedly/> ; <http://thedeplorablearmy.com/reported-florida-shooter-dressed-communist-supported-isis/> ; <http://www.raptureready.com/2018/02/15/15-feb-2018/> ;

³¹ "NC Republican apologizes for 'clumsy' comment about 'communist Democrats.'" *The News & Observer*. February 18, 2018. Last available at: <http://www.newsobserver.com/news/politics-government/state-politics/article200807499.html>

³² *Id.*

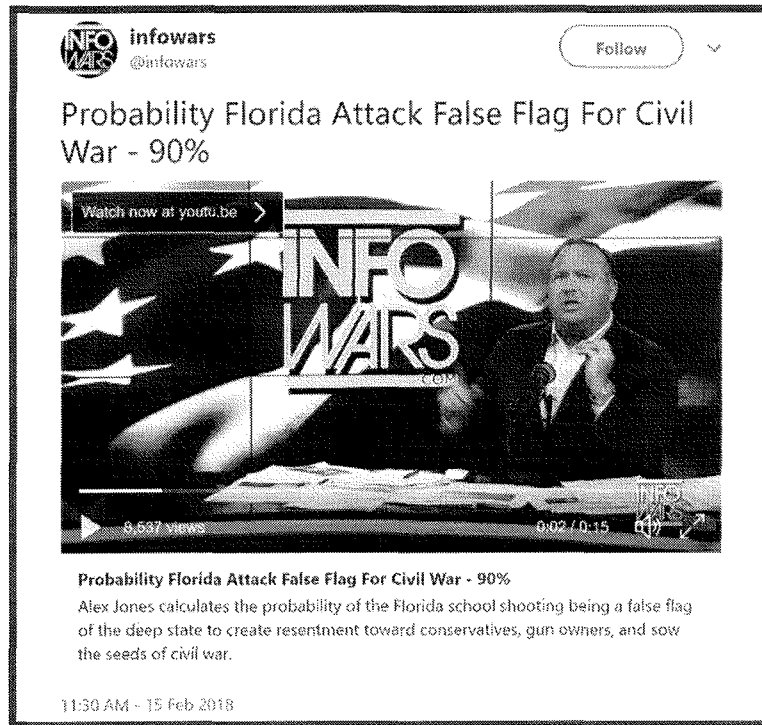


34. Further compounding the defamation is the fact the Mr. Jones, Mr. Daniels, and other employees have used InfoWars' various media platforms to cast doubt on the facts surrounding the Florida shooting, just as InfoWars has done with prior national tragedies. The day following the shooting, InfoWars published a video of Mr. Jones stating that the Florida shooting was "a false flag of the deep state to create resentment towards conservatives, gun owners, and sow the seeds of civil war."³³

35. A "false flag" is common conspiracy theory lingo for a scenario in which a government orchestrates an attack on its own citizens while making it appear that the attack was actually carried out by an enemy nation or domestic terrorist, thus giving the government a pretext for some desired action. After the Douglas High

³³ See <https://twitter.com/infowars/status/964220278002794496>

School shooting in Florida, Mr. Jones told his audience that it was 90% likely the event was a false flag:



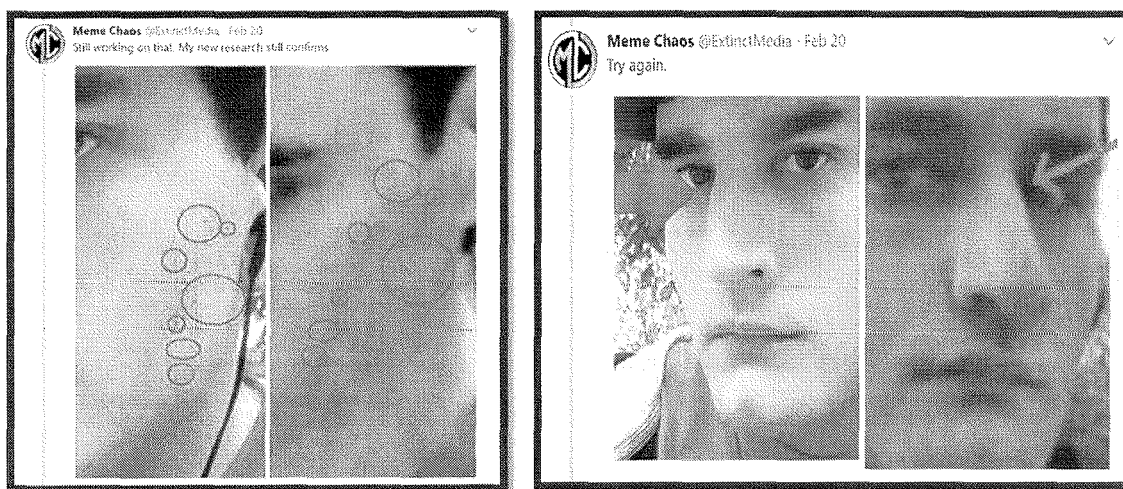
36. According to numerous press accounts, YouTube demonetized Mr. Jones' video content from its website following his claim that the shooting was a "deep state false flag operation," and that the survivors who have emerged as vocal critics of the gun lobby were actors.³⁴

37. Because InfoWars advises its audience to distrust mainstream media sources, the subsequent mainstream news reports showing Nikolas Cruz as the

³⁴ "YouTube Pulls Alex Jones Video Saying Student Anti-Gun Activists Were Actors." *Fortune*. February 24, 2018. Last available at: <http://fortune.com/2018/02/24/youtube-pulls-alex-jones-infowars-video/>

Florida shooter did not remove the threat to Marcel Fontaine. Some InfoWars readers now believe that Mr. Fontaine is part of the supposed “false flag” operation.

38. In one disturbing example, Twitter user @ExtinctMedia, an InfoWars reader, was confronted by other social media users over the fact that Plaintiff had no involvement in the Douglas High School shooting.³⁵ Undeterred, @ExtinctMedia posted what purports to be facial analysis between Plaintiff and suspect Nikolas Cruz, while also alleging that the shape of Plaintiff's nose had been altered, consistent with the use of “crisis actors.”³⁶



39. In other words, Mr. Fontaine continues to suffer harassment and peril even from individuals aware of his identify as a Massachusetts resident, but who nevertheless remain convinced he was part of a horrifying conspiracy. As part of InfoWars' reckless money-making scheme, Mr. Jones is causing his audience to

³⁵ See https://twitter.com/huitz_warrior/status/966154367286984704

³⁶ *Id.* A “crisis actor” is a term used by conspiracy theorists to describe individuals who they believe were paid by the government or global elites to play some role in a fake disinformation event.

disbelieve the basic facts of the incident in favor a labyrinthine conspiracy that calls into question the very nature of reality. These sorts of reckless lies are what caused a disturbed individual to enter pizzeria and begin firing.

40. Additionally, Plaintiff continues to suffer ridicule, harassment and threats of violence even from those who acknowledge that Plaintiff was not involved in the Florida shooting, such as the examples shown below:



41. Due to these events, it is no exaggeration to say that Plaintiff's life remains in genuine peril.

42. On February 26, 2018, Mr. Fontaine issued a demand for correction pursuant to Sec. 73.055 of the Texas Civil Practice & Remedies Code. Defendants did not respond.

43. Due to the reckless and malicious nature of Defendants' conduct, Mr. Fontaine now brings this lawsuit.

CAUSES OF ACTION

I. Defamation and Defamation *Per Se*

44. All previous allegations are incorporated by reference.

45. Mr. Fontaine is a private individual and is neither a public official nor a public figure.

46. The publications by Defendants were false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

47. The publications by Defendants directly used Mr. Fontaine's image in connection with a grievous national tragedy.

48. Defendants' defamatory publications were designed to harm Plaintiff's reputation and subject the Plaintiff to public contempt, disgrace, ridicule, or attack.

49. Defendants acted with actual malice. Defendants' defamatory statements were knowingly false or made with reckless disregard for the truth or falsity of the statements at the time the statements were made.

50. Defendants' defamatory publications were not privileged.

51. Defendants' defamatory statements constitute defamation *per se*. The harmful nature of the defamatory publications is self-evident. The defamatory publications implicate the Plaintiff in heinous criminal conduct. False implications of criminal conduct are the classic example of defamation *per se*.

52. Defendants publicly disseminated the defamatory publications to an enormous audience causing significant damages to the Plaintiff.

53. Defendants' defamatory publications have injured Mr. Fontaine's reputation and image, and they have exposed Mr. Fontaine to public and private hatred, contempt, ridicule, harassment, and death threats.

54. In light of their prior experience with these kind of reckless statements, Defendants knew that their publication would cause Plaintiff to suffer harassment and potential violence.

55. Defendants' defamatory publications have and will continue to cause harm to Mr. Fontaine. Due to Defendants' conduct, the Plaintiff has suffered and continues to suffer substantial damages in an amount to be proven at trial.

II. Intentional Infliction of Emotional Distress

56. All previous allegations are incorporated by reference.

57. Defendants knew or should have known that their publication of Mr. Fontaine's photograph connecting him with the Douglas High School shooting would

cause him to be the subject of harassment, ridicule, and threats, thereby causing severe emotional distress.

58. Defendants decision to publish Mr. Fontaine's photograph was outrageous and intolerable, going beyond all possible bounds of decency.

59. In claiming Mr. Fontaine's image as the Douglas High School shooter, Defendants acted intentionally or recklessly.

III. Conspiracy

60. All previous allegations are incorporated by reference.

61. Defendants acted together, as a cabal, to accomplish their campaign of defamation. Defendants had a meeting of the minds on the object or course of action underlying their pattern of recklessly defamatory publications.

62. As a result of this meeting of the minds, Defendants collectively committed the unlawful overt acts detailed above.

63. Defendants are jointly and severally liable for the injuries Mr. Fontaine suffered due to Defendants' wrongful actions.

IV. Respondeat Superior

64. All previous allegations are incorporated by reference.

65. When InfoWars employees acted in the manner described in this Petition, they did so as agents of InfoWars and within the scope of their authority from Mr. Jones.

66. InfoWars and Alex Jones are liable for the damages proximately caused by the conduct of employees and agents, including Kit Daniels, pursuant to the doctrine of *respondeat superior*.

DAMAGES

67. Plaintiff has suffered general and special damages, including a severe degree of mental stress and anguish which has disrupted his daily routine.

68. Plaintiff has also suffered damage to his reputation and image, both up to the present and into the future.

69. Because Defendants' conduct amounts to defamation *per se*, Plaintiff is also entitled to an award of presumed damages.

70. Plaintiff is also entitled to an award of nominal damages and a judgment clearing his name.

71. Plaintiff is also entitled to exemplary damages because the Defendants acted with malice.

72. Plaintiff is also entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

73. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff is seeking relief over \$1,000,000.

JURY DEMAND

74. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

REQUEST FOR DISCLOSURE

75. Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS

76. Take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves the attached interrogatories, Exhibits "B", "D", "F", and "I" to be propounded to Defendants. You are hereby instructed to answer the following interrogatories separately, fully, in writing, and under oath as required by Rule 197.2(d) of the Texas Rules of Civil Procedure and the provisions of Rule 14 shall not apply.

77. You are further advised that, pursuant to Rule 193.5, the party responding to these Interrogatories is under a duty to supplement his answer if he obtains information upon the basis of which (a) he knows that the answer was incorrect when made, or (b) he knows the answer, though correct when made, is no longer true and the circumstances are such that he failure to amend the answer is in substance a knowing concealment.

78. If any space left for your answer is insufficient, please attach a separate sheet to complete such answer. The answers shall be served upon the undersigned counsel within 50 days after the service of these interrogatories.

PLAINTIFF'S REQUESTS FOR PRODUCTION TO DEFENDANTS

79. Plaintiff propounds the attached Requests for Production as Exhibits "C", "E", "G", and "J" pursuant to Rule 196 of the Texas Rules of Civil Procedure, that Defendants produce or permit the undersigned attorney, to inspect and copy or reproduce the items hereinafter designated on Exhibits "C", "E", "G", and "J" attached hereto. Within 50 days after service of these Requests for Production, you must serve a written response to the undersigned attorney at 1010 Lamar, Suite 1600, Houston, Texas 77002, including the items requested or stating with respect to each request that an inspection and copying or reproduction will be permitted as requested. In the event a request is objected to, please specifically state (a) the legal or factual basis for the objection, and (b) the extent to which you refuse to comply with the request. Pursuant to Rule 193.2(b) of the Texas Rules of Civil Procedure, a party must comply with as much of the request to which the party has made no objection unless it is unreasonable under the circumstances to do so before obtaining a ruling on the objection. Furthermore, demand is made for the supplementation of your answers to these discovery requests as required by Rule 193.5 of the Texas Rules of Civil Procedure.

PLAINTIFF'S REQUESTS FOR ADMISSION TO DEFENDANTS

80. Plaintiff propounds the attached Requests for Admission as Exhibits "H" and "K" under the provisions of Rules 192 and 198 of the Texas Rules of Civil Procedure. You hereby are requested to admit the truth of the following matters for

the purpose of this action only and subject to all proper objections to admissibility which may be made at time of trial. Each of the matters to which an admission is requested shall be deemed admitted unless the party to whom the request is directed delivers responses, either denying specifically the matters to which an admission is requested or setting forth in detail the reasons why such cannot truthfully be either admitted or denied, to the undersigned counsel for Plaintiff within fifty (50) days after the delivery of this request.

81. Pursuant to Rule 215.4(b) of the Texas Rules of Civil Procedure, take notice that should Defendant fail to admit the genuineness of any document or the truth of any matter as requested under Rule 198 and which follows hereunder and Plaintiff proves the genuineness of the document or the truth of the matter, Plaintiff shall seek an order from the Court requiring the Defendant to pay reasonable expenses incurred in making that proof, including but not limited to, reasonable expenses and attorney's fees incurred in making that proof.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff Marcel Fontaine asks that the Court issue citation for each Defendant to appear and answer, and that Plaintiff be awarded all the damages set forth above, and to grant whatever further relief to which Plaintiff is justly entitled.

Respectfully submitted,

KASTER, LYNCH, FARRAR & BALL, LLP

A handwritten signature in black ink, appearing to read 'M D Bankston', is positioned above a horizontal line.

MARK D. BANKSTON

State Bar No. 24071066

KYLE W. FARRAR

State Bar No. 24034828

1010 Lamar, Suite 1600

Houston, Texas 77002

713.221.8300 Telephone

713.221.8301 Fax

**DEFINITIONS FOR USE IN RESPONDING
TO EXHIBITS "B" & "C"**

As used herein, the words defined below shall be deemed to have the following meanings:

1. "Communicate" means conveying or sharing of information, ideas, or feelings, by whatever medium, be it oral, written, electronic, or otherwise.
2. "Contract" means any agreement or exchange of promises between two parties.
3. "Deep state" and "false flag" appear to be terms of art used within the mythology of InfoWars. Plaintiff will not attempt to precisely define these inscrutable phrases, but assumes their meaning is understood by those at InfoWars who use them.
4. "Document" means all handwritten, typed, audio recorded, video recorded, or electronic representation of any kind, including legal instruments, agreements, letters, e-mails, text messages, notices, specifications, instructions, literature, books, magazines, newspapers, booklets, notes, notebooks, log books, diaries, memoranda, manuscripts, manifestos, data compilations, reports, studies, analyses, surveys, calculations, videos, sound files, photographs, image macros, memes, blog posts, internet articles, social media posts, internet comments, screenshots, blockchains, illustrations, diagrams, symbols, runes, ciphers, maps, star charts, bulletins, circulars, telegrams, telexes, or any other reasonably similar representational thing, as well as any drafts of the aforesaid upon which have been placed any additional marks or notations.
5. "InfoWars," generically, means the brand name of the media organization founded by Alex Jones, whether operating as InfoWars, LLC, Free Speech Systems, LLC, or any other corporate name.
6. "Publication" means disseminating content to the public by any means, whether it be print, internet, video, radio, or otherwise.
7. "The article in question" means the InfoWars article attached as "Exhibit A" to Plaintiff's petition.

**DEFINITIONS FOR USE IN RESPONDING
TO EXHIBITS "D" & "E"**

As used herein, the words defined below shall be deemed to have the following meanings:

1. "Communications" means conveying or sharing of information, ideas, or feelings, by whatever medium, be it oral, written, electronic, or otherwise.
2. "Deep state" and "false flag" appear to be terms of art used within the mythology of InfoWars. Plaintiff will not attempt to define these increasingly inscrutable phrases, but assumes their meaning is understood by those at InfoWars who use them.
3. "Document" means all handwritten, typed, audio recorded, video recorded, or electronic representation of any kind, including legal instruments, agreements, letters, e-mails, text messages, notices, specifications, instructions, literature, books, magazines, newspapers, booklets, notes, notebooks, log books, diaries, memoranda, manuscripts, manifestos, data compilations, reports, studies, analyses, surveys, calculations, videos, sound files, photographs, image macros, memes, blog posts, internet articles, social media posts, internet comments, screenshots, blockchains, illustrations, diagrams, symbols, runes, ciphers, maps, star charts, bulletins, circulars, telegrams, telexes, or any other reasonably similar representational thing, as well as any drafts of the aforesaid upon which have been placed any additional marks or notations.
4. "InfoWars," generically, means the brand name of the media organization founded by Alex Jones, whether operating as InfoWars, LLC, Free Speech Systems, LLC, or any other corporate name.
5. "Publish" means disseminating content to the public by any means, whether it be print, internet, video, radio, or otherwise.
6. "Revenue" means income of any kind, whether directly or indirectly.
7. "The article in question" means the InfoWars article attached as "Exhibit A" to Plaintiff's petition.

**DEFINITIONS FOR USE IN RESPONDING
TO EXHIBITS "F", "G", & "H"**

As used herein, the words defined below shall be deemed to have the following meanings:

1. "Communications" means conveying or sharing of information, ideas, or feelings, by whatever medium, be it oral, written, electronic, or otherwise.
2. "Document" means all handwritten, typed, audio recorded, video recorded, or electronic representation of any kind, including legal instruments, agreements, letters, e-mails, text messages, notices, specifications, instructions, literature, books, magazines, newspapers, booklets, notes, notebooks, log books, diaries, memoranda, manuscripts, manifestos, data compilations, reports, studies, analyses, surveys, calculations, videos, sound files, photographs, image macros, memes, blog posts, internet articles, social media posts, internet comments, screenshots, blockchains, illustrations, diagrams, symbols, runes, ciphers, maps, star charts, bulletins, circulars, telegrams, telexes, or any other reasonably similar representational thing, as well as any drafts of the aforesaid upon which have been placed any additional marks or notations.
3. "InfoWars, LLC" means the named defendant registered with the Texas Secretary of State.
4. "Free Speech Systems, LLC" means the named defendant registered with the Texas Secretary of State.
5. "InfoWars," generically, means the brand name of the media organization founded by Alex Jones, whether operating as InfoWars, LLC, Free Speech Systems, LLC, or any other corporate name.
6. "Published" means disseminating content to the public by any means, whether it be print, internet, video, radio, or otherwise.
7. "The article in question" means the InfoWars article attached as "Exhibit A" to Plaintiff's petition.

**DEFINITIONS FOR USE IN RESPONDING
TO EXHIBITS "I", "J", & "K"**

As used herein, the words defined below shall be deemed to have the following meanings:

1. "Communications" means conveying or sharing of information, ideas, or feelings, by whatever medium, be it oral, written, electronic, or otherwise.
2. "Document" means all handwritten, typed, audio recorded, video recorded, or electronic representation of any kind, including legal instruments, agreements, letters, e-mails, text messages, notices, specifications, instructions, literature, books, magazines, newspapers, booklets, notes, notebooks, log books, diaries, memoranda, manuscripts, manifestos, data compilations, reports, studies, analyses, surveys, calculations, videos, sound files, photographs, image macros, memes, blog posts, internet articles, social media posts, internet comments, screenshots, blockchains, illustrations, diagrams, symbols, runes, ciphers, maps, star charts, bulletins, circulars, telegrams, telexes, or any other reasonably similar representational thing, as well as any drafts of the aforesaid upon which have been placed any additional marks or notations.
3. "InfoWars, LLC" means the named defendant registered with the Texas Secretary of State.
4. "Free Speech Systems, LLC" means the named defendant registered with the Texas Secretary of State.
5. "InfoWars," generically, means the brand name of the media organization founded by Alex Jones, whether operating as InfoWars, LLC, Free Speech Systems, LLC, or any other corporate name.
6. "Published" means disseminating content to the public by any means, whether it be print, internet, video, radio, or otherwise.
7. "The article in question" means the InfoWars article attached as "Exhibit A" to Plaintiff's petition.

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

STYLED MARCEL FONTAINE VS. ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and KIT DANIELS

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Mark D. Bankston</u> Email: <u>mark@fbtrial.com</u> Address: <u>1010 Lamar, Ste. 1600</u> Telephone: <u>(713) 221-8300</u> City/State/Zip: <u>Houston, Texas 77002</u> Fax: <u>(713) 221-8301</u> Signature: <u>/s/ Mark D. Bankston</u> State Bar No: <u>24034828</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>MARCEL FONTAINE</u> Defendant(s)/Respondent(s): <u>ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and KIT DANIELS</u> <small>[Attach additional page as necessary to list all parties]</small>		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

EXHIBIT "I"

Exhibit "I"
PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT FREE SPEECH SYSTEMS, LLC

INTERROGATORY NO. 1: Identify all persons answering or supplying information used in answering these Interrogatories and identify their job duties at InfoWars.

ANSWER:

INTERROGATORY NO. 2: What kind business is Free Speech Systems, LLC, *i.e.*, what does it do?

ANSWER:

INTERROGATORY NO. 3: Describe the business relationship between InfoWars, LLC and Free Speech Systems, LLC.

ANSWER:

INTERROGATORY NO. 4: Identify the factual basis for any defense(s) to the causes of actions asserted in Plaintiff's petition.

ANSWER:

INTERROGATORY NO. 5: Identity any electronically stored information or documents relevant to Plaintiff's petition or your defenses which have been destroyed, deleted, corrupted, damaged, overwritten, or otherwise lost.

ANSWER:

EXHIBIT "J"

Exhibit "J"

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
TO DEFENDANT FREE SPEECH SYSTEMS, LLC**

REQUEST FOR PRODUCTION NO. 1: A copy of an organizational chart for Free Speech Systems, LLC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A copy of all legal claims or lawsuits filed against Free Speech Systems, LLC in the past ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: A copy of all insurance policies which may apply to any part of a judgment rendered in this case.

RESPONSE:

EXHIBIT “K”

Exhibit "K"

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS
TO DEFENDANT FREE SPEECH SYSTEMS, LLC**

REQUEST FOR ADMISSION NO. 1: Admit that prior to responding to these discovery requests, you searched all documents in your possession or control that may contain responsive information.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that the article attached as "Exhibit 1" to Plaintiff's petition accurately reproduces the content of an article published on the InfoWars website on February 14, 2018.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that Marcel Fontaine had no involvement in the Douglas High School Shooting.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Admit that Marcel Fontaine had no involvement in a false flag operation involving the Douglas High School Shooting.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Admit that individuals were killed in the Douglas High School Shooting.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Admit that InfoWars published false statements about the Chobani corporation.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Admit that InfoWars published false statements about Comet Ping-Pong and James Alefantis.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Admit that InfoWars published false statements concerning the Sandy Hook school shooting.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Admit that InfoWars published false statements concerning Brennan Gilmore.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Admit that InfoWars published false statements about the Sutherland Springs church shooting.

RESPONSE:

EXHIBIT "A"

<https://www.infowars.com/report-florida-shooter-inspired-by-isis-allahu-akbar/>

Go

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◀ 15 ▶

16 Feb 2018 - 16 Feb 2018

2017 2018 2019

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17 captures

THE
THE ALEX JONES SHOW

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RADIO SHOWNEWSVIDEOSSTORETOP STORIES

BREAKING NEWSCONTACT

WATCH LIVE

BREAKING

STORE

MSM already covering it up

Kit Daniels | Infowars.com - FEBRUARY 14, 2018  Comments



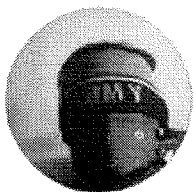
Alleged photos of the suspected Florida high school shooter make reference to various ideologies including communism and perhaps ISIS, and voter records suggest 19-year-old Nicolas Cruz was a Democratic voter.

AT&T LTE

4:41 PM



cruz_nikolas



9
posts

103
followers

218
following

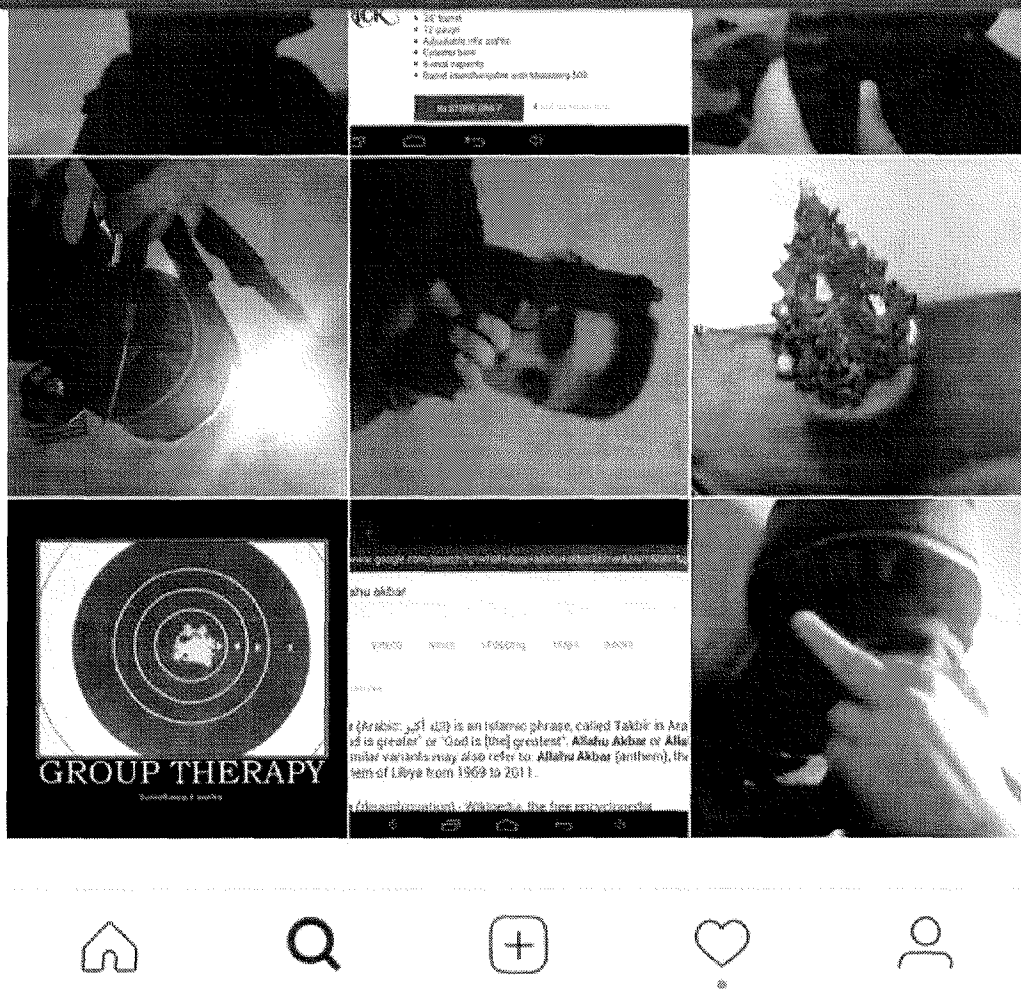
Follow



nikolas cruz

1/18/16    





Additionally, the shooter's garb is very similar to the style worn by ISIS fighters in Syria.

PolitiDiva™
@realPolitiDiva

Parkland Killer, Nicolas Cruz, was a known security threat & was not allowed to carry a backpack to school last year. Also belonged to Middle East Resistance groups on social media. A) How did he get in being a known-threat? B) Was this terror-related?

4:52 PM - Feb 14, 2018

673 556 people are talking about this

The Instagram account was taken down soon after the suspect was arrested.

The shooter was also suspected of having planted bombs, according to the police scanner.

Islam slant back in 2015, but interestingly, there's also a 19-year-old Nicolas Cruz who's listed as a Democratic voter in Oakland Park, Florida, which may be the suspect (address blurred out to protect the innocent otherwise):



22 likes

cruz_nikolas Well at least we now know what it means when a sand durka says "allahu Akbar" 🤔🤔🤔

[View all 12 comments](#)

DECEMBER 23, 2015



cruz_nikolas



Full Name

Nombre completo : **NICOLAS CRUZ**

Street Address

Dirección : [REDACTED]

City

Ciudad : **OAKLAND PARK**

Zip Code

Código postal : **33311**

County Name

Condado : **BROWARD**

Voter Gender

Género del votante : **Male**

Fecha de inscripción : [REDACTED]

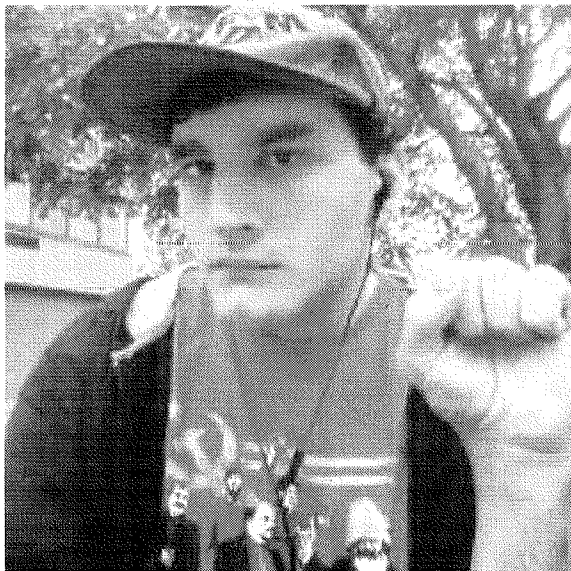
Party

Partido : **Florida Democratic Party**

Voter Status

Calificación como votante : **Active***

And another alleged photo of the suspect shows communist garb:



R: 0

Shooter is a commie:
REEEEEEEEEEEEEEEE

This screenshot, found on a Japanese cartoon image board, was apparently taken right after the suspect was apprehended – and right before Instagram nixed the account:



cruz_nikolas • Follow



5181
fxxkev FUCK YOU
moverhecker BORN TO DIE WORLD IS A
FUCK Kill Em All 1989 I am trash man
410,757,864,530 DEAD COPS.
21.jake.21 Have fun in hell asshole
angelmazerati_ Fuck you pussy
lilcocknaill FUCK U U UGLY ASSHOLE
grvyson hope u rot
paytontorbeck Fucking Disgusting.
traceyyb You're a stupid piece of shit and I
hope you get fucked up the ass in jail until
your asshole bleeds. Once that is over I
hope you die a slow painful death :) happy



105 likes

JANUARY 7, 2016

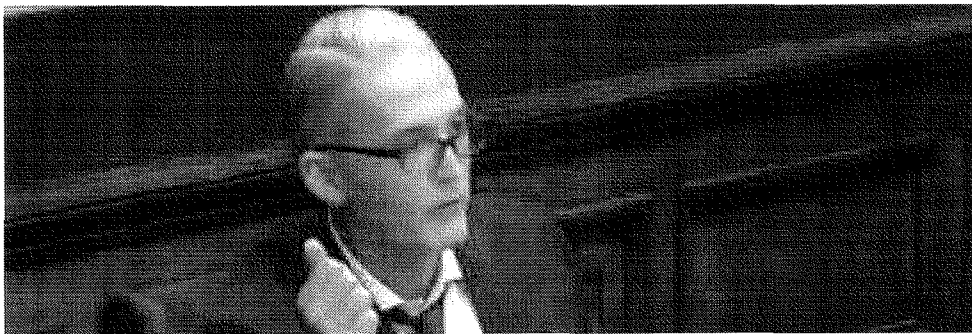
Log in to like or comment.

It's possible the suspect is simply mentally disturbed and latched onto various ideologies to fill a sense of emptiness.

Facebook: <https://www.facebook.com/RealKitDaniels>

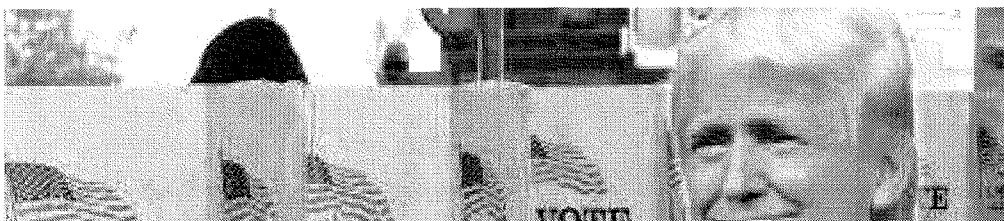
Twitter: Follow @KitDaniels1776

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GOWDY: LEAVING CONGRESS TO WORK SOMEWHERE 'WHERE FACTS MATTER'

U.S. NEWS Comments



SHOCK POLL FINDS DEMOCRATS' "BLUE WAVE" HAS TURNED INTO A DROUGHT

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REPORT: ROMNEY TO
ANNOUNCE SENATE RUN ON
SOCIAL MEDIA

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SHOOTING OUTSIDE NSA HQ
IN FORT MEADE, ONE
INJURED

U.S. NEWS Comments

FEINSTEIN FLASHBACK: 'DAY
WHEN AMERICA COULD BE
THE WELFARE STATE FOR
MEXICO IS GONE'

U.S. NEWS Comments

COMMENTS

(

Disqus seems to be taking longer than usual. Reload?



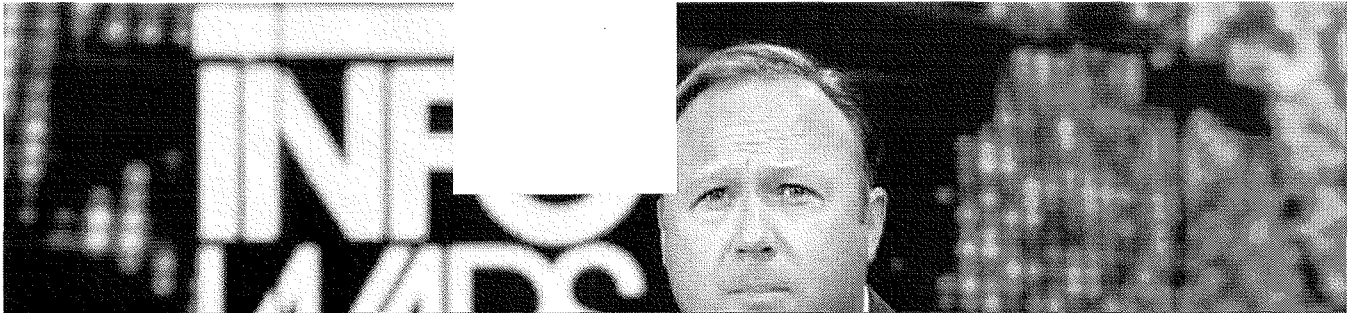
The advertisement features a black and white image of two Superblue products: a tube of toothpaste and a bottle of mouthwash. The tube is labeled "SUPERBLUE" and "NON-FLUORIDE TOOTHPASTE". The bottle is labeled "SUPERBLUE MOUTHWASH". To the right of the products, the text "50% OFF" is displayed in large, bold letters, followed by "ALL SUPERBLUE PRODUCTS". At the bottom right, a white button with the text "ORDER TODAY" is shown.

Tuesday, Feb. 13th: New Era of News on Horizon - NYT CEO says print journalism's days are numbered; but in reality, it's the MSM's days that are finished. Also, the U...

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[DACA Insanity: Another Judge Blocks Trump](#)

[Shock Footage: Student Films Shots Fired Inside Florida High School](#)

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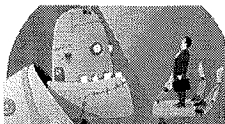
WATCH THE NEWS



WAR ROOM WITH OWEN SHROYER WITH DAVID KNIGHT - FEBRUARY 13, 2018



WAR ROOM WITH OWEN SHROYER & ROGER STONE. DEEP STATE PREPARING FOR THE FALL OF HILLARY CLINTON



THE ALEX JONES SHOW. AI SUPER COMPUTERS WILL DECIDE WHO LIVES AND WHO DIES



REAL NEWS WITH DAVID KNIGHT. REVEALED: THE "DEEP THROAT" OF RUSSIA GATE



FEATURED VIDEOS

THE



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PAGE NOT
BREAKING
FOUND -

The Fight For Free Speech - See the rest on the Alex Jones YouTube channel.



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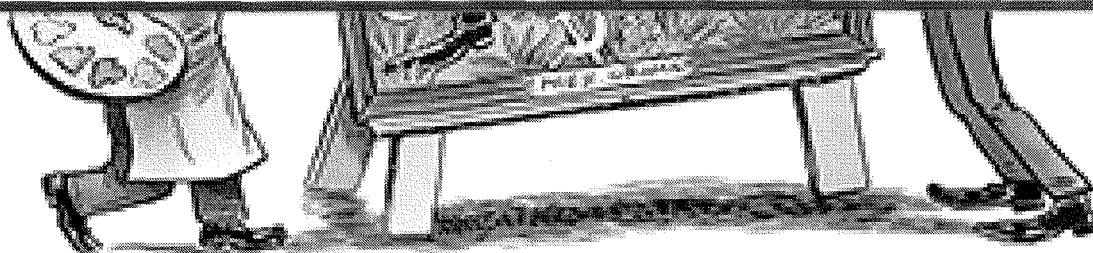
PAGE NOT
BREAKING
FOUND -

Does Tucker Carlson Despise Alex Jones? - See the rest on the Alex Jones YouTube channel.

ILLUSTRATION

BEN
GARRISON





POLLS

How much money would CNN need to pay you to watch?

- ☐ \$1000
- ☐ \$10,000
- ☐ \$1,000,000
- ☐ My time is too valuable.

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EXHIBIT "B"

Exhibit "B"

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT KIT DANIELS**

INTERROGATORY NO. 1: List all job titles you have held at InfoWars and the dates in which you held them.

ANSWER:

INTERROGATORY NO. 2: Describe your current job duties.

ANSWER:

INTERROGATORY NO. 3: List all instances in which you saw the photograph of Mr. Fontaine prior to publishing the article in question.

ANSWER:

INTERROGATORY NO. 4: Describe all steps you took prior to publication to assure yourself of the accuracy of the article in question.

ANSWER:

INTERROGATORY NO. 5: List all individuals you communicated with prior to publication regarding the photograph of Mr. Fontaine or the identity of the Douglas High School shooter.

ANSWER:

INTERROGATORY NO. 6: Do you contend that the members of the "deep state" or other agents of the U.S government or global elite are responsible for orchestrating and/or permitting the Douglas High School Shooting as part of a "false flag" operation, and if so, do you contend that Mr. Fontaine was involved in that "false flag" operation? State all facts supporting such contentions, if made.

ANSWER:

INTERROGATORY NO. 7: Describe the factual basis for any defense(s) to the causes of actions asserted in Plaintiff's petition.

ANSWER:

EXHIBIT "C"

Exhibit "C"

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
TO DEFENDANT KIT DANIELS**

REQUEST FOR PRODUCTION NO. 1: A copy of any contract between you and any other Defendant in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A copy of any documents in your possession or control prior to publication on February 14, 2018 regarding the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents in your possession or control relating to the Plaintiff, the article in question, or efforts to ascertain the identity of the Douglas High School shooter.

RESPONSE:

EXHIBIT "D"

Exhibit "D"

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT ALEX JONES**

INTERROGATORY NO. 1: Identify all persons answering or supplying information used in answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2: Identify all business entities which derive revenue from the InfoWars website, including the sale of products through the InfoWars online store.

ANSWER:

INTERROGATORY NO. 3: Did you personally interview and hire Kit Daniels to perform work for InfoWars? If not, who did?

ANSWER:

INTERROGATORY NO. 4: Are you Kit Daniels' immediate supervisor? If not, who is?

ANSWER:

INTERROGATORY NO. 5: Describe the steps you require be taken before InfoWars publishes personal information or photographs in connection with a news story.

ANSWER:

INTERROGATORY NO. 6: Describe the steps you require be taken before InfoWars publishes personal information or photographs in connection with an allegation of serious criminal conduct.

ANSWER:

INTERROGATORY NO. 7: What is "truth journalism?"

ANSWER:

INTERROGATORY NO. 8: List every video you have posted to the internet, under any of your personal social media accounts, since January 1, 2016 in which the title or description of the video includes the words “communist(s),” “communism,” or “commie.”

ANSWER:

INTERROGATORY NO. 9: Do you contend that the members of the “deep state” or other agents of the U.S government or global elite are responsible for orchestrating and/or permitting the Douglas High School Shooting as part of a “false flag” operation, and if so, do you contend that Marcel Fontaine was involved in that “false flag” operation? State all facts supporting such contentions, if made.

ANSWER:

INTERROGATORY NO. 10: Identify the factual basis for any defense(s) to the causes of actions asserted in Plaintiff’s petition.

ANSWER:

EXHIBIT "E"

Exhibit "E"

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
TO DEFENDANT ALEX JONES**

REQUEST FOR PRODUCTION NO. 1: A copy of all legal claims or lawsuits filed against you in the past ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A copy of any documents in your possession or control on February 14, 2018 regarding the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents in your possession or control relating to the Plaintiff, the article in question, or efforts to ascertain the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: A copy of all insurance policies which may apply to any part of a judgment rendered in this case.

RESPONSE:

EXHIBIT "F"

Exhibit "F"

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT INFOWARS, LLC**

INTERROGATORY NO. 1: Identify all persons answering or supplying information used in answering these Interrogatories and identify their job duties at InfoWars.

ANSWER:

INTERROGATORY NO. 2: What kind business is InfoWars, LLC, *i.e.*, what does it do?

ANSWER:

INTERROGATORY NO. 3: Describe the business relationship between InfoWars, LLC and Free Speech Systems, LLC.

ANSWER:

INTERROGATORY NO. 4: List every occasion and every medium by which any employee or agent of InfoWars caused Plaintiff's photograph to be published publicly.

ANSWER:

INTERROGATORY NO. 5: State the number of page views received by the article in question on February 14-15, 2018.

ANSWER:

INTERROGATORY NO. 6: List every occasion and every medium by which any employee or agent of InfoWars publicly posted a link, shared, or otherwise referenced the article in question.

ANSWER:

INTERROGATORY NO. 7: Identify every InfoWars employee or agent who was involved in the research, creation, or review of the article in question.

ANSWER:

INTERROGATORY NO. 8: Identify every source of information upon which InfoWars based its decision to publish Plaintiff's photograph.

ANSWER:

INTERROGATORY NO. 9: Identify and describe all communications between any employee or agent of InfoWars and any person outside the company relating to the Plaintiff, the article in question, or the identity of the Douglas High School shooter.

ANSWER:

INTERROGATORY NO. 10: Identify the factual basis for any defense(s) to the causes of actions asserted in Plaintiff's petition.

ANSWER:

INTERROGATORY NO. 11: Identify any electronically stored information or documents relevant to Plaintiff's petition or your defenses which have been destroyed, deleted, corrupted, damaged, overwritten, or otherwise lost.

ANSWER:

INTERROGATORY NO. 12: List every article posted to the InfoWars website since January 1, 2016 in which the title of the article includes the words "communist(s)," "communism," or "commie."

ANSWER:

INTERROGATORY NO. 13: List every video posted to the internet by InfoWars since January 1, 2016 in which the title or description of the video includes the words "communist(s)," "communism," or "commie."

ANSWER:

EXHIBIT "G"

Exhibit "G"

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION
TO DEFENDANT INFOWARS, LLC**

REQUEST FOR PRODUCTION NO. 1: A copy of an organizational chart for InfoWars, LLC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A copy of every version of the article in question which was published the InfoWars website.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: A copy, originating from whatever medium, for every occasion in which any employee or agent of InfoWars caused Plaintiff's photograph to be published.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All communications within InfoWars relating to the Plaintiff, the article in question, or efforts to ascertain the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All communications between any employee or agent of InfoWars and any third parties relating to the Plaintiff, the article in question, or the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents in your possession or control relating to the Plaintiff, the article in question, or efforts to ascertain the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: All documents or communications received by InfoWars relating to the Plaintiff, the article in question, or efforts to ascertain the identity of the Douglas High School shooter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All documents or electronic databases reflecting page views for InfoWars.com webpages on February 14-15, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: A copy of all comments posted to the article in question.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All written or recorded statements made by any persons having knowledge of any facts concerning the publication of Plaintiff's photograph or the creation of the article in question.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: All demands for retraction or correction received by InfoWars in the past ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: All documents relating to disciplinary or corrective actions taken against any employee or agent of InfoWars due to the publication of Plaintiff's photograph.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: All documents relating to disciplinary or corrective actions taken against any employee or agent of InfoWars due to the publication of false or incorrect information during the past ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All documents used to train or instruct InfoWars employees of the vetting of factual information for publication, as in effect on February 14, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All documents reflecting policies for the factual vetting of information published by InfoWars, as in effect on February 14, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All documents setting forth InfoWars' editorial standards or guidelines, as in effect on February 14, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: All documents setting forth InfoWars' disciplinary rules or code of conduct for reporters and editorial staff, as in effect on February 14, 2018.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: All documents contained within Kit Daniel's personnel file.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: A copy of any employment agreements or other contracts between Kit Daniels and any other Defendant in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: A copy of all legal claims or lawsuits filed against InfoWars, LLC in the past ten years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: A copy of all insurance policies which may apply to any part of a judgment rendered in this case.

RESPONSE:

EXHIBIT “H”

Exhibit "H"

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS
TO DEFENDANT INFOWARS, LLC**

REQUEST FOR ADMISSION NO. 1: Admit that prior to responding to these discovery requests, you searched all documents in your possession or control that may contain responsive information.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that the article attached as "Exhibit 1" to Plaintiff's petition accurately reproduces the content of an article published on the InfoWars website on February 14, 2018.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that Marcel Fontaine had no involvement in the Douglas High School Shooting.

RESPONSE:

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RESPONSE:

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REQUEST FOR ADMISSION NO. 9: Admit that InfoWars published false statements concerning Brennan Gilmore.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Admit that InfoWars published false statements about the Sutherland Springs church shooting.

RESPONSE: